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Attorneys for Defendant
 Northwest Airlines, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

WILLIAM R. KLEMME, M.D.,	)	Case No. C 03-04957 MMC
)	
Plaintiff,)	
)	
v.	)	STIPULATION AND [PROPOSED] ORDER
	)	TO VACATE ORDER OF DISMISSAL AND
NORTHWEST AIRLINES, INC.; BLACK	)	FOR AMENDMENT TO COMPLAINT TO
COMPANY; WHITE COMPANY; BLUE	)	ADD A PLAINTIFF
COMPANY; RED COMPANY; and DOES 1)	
through 100, inclusive,	)	[FRCP Rule 15(a)]
)	
Defendants.	)	Complaint filed: September 6, 2003
)	
	)	Trial Date: August 20, 2007
	)	(reset after case reopened
	)	lifting bankruptcy stay)

The parties hereto, by and through their respective counsel, hereby agree and stipulate to the following:

The Court's July 25, 2007 Order of Dismissal be vacated as the parties hereto certify that the action should be restored for the sole purpose of adding Plaintiff's wife, Annette Klemme, as a Plaintiff in this matter to effectuate settlement of the entire action.

The parties also stipulate that Plaintiff may file an Amendment to his Complaint, a copy of which is attached hereto.

The Amendment to the Complaint adds Annette Klemme as a Plaintiff with a loss of consortium claim derivative of her husband William R. Klemme, M.D.'s claim for negligence as set

1 forth in his complaint filed on or about September 6, 2003 in the Superior Court of California,
2 County of San Mateo, Case No. CIV433935, and removed to federal court on or about November 6,
3 2003.

4 It is further stipulated that the defendant waives notice and service of the amendment to the
5 complaint, and shall not be required to answer the amendment, and that all denials, responses and
6 affirmative defenses contained in the answer filed by Defendant Northwest Airlines, Inc., to the
7 original complaint on or about November 6, 2003, in the Superior Court of California, County of
8 San Mateo, Case No. CIV433935, shall be responsive to the amendment to the complaint.

9 This stipulation may be executed in counterparts by facsimile, each of which shall be
10 deemed an original, but which taken together will constitute one and the same document.

11 IT IS SO STIPULATED.

12
13 Date: October 4, 2007

LAW OFFICES OF SARA A. SIMMONS, APC

14
15 By: 

16 Sara A. Simmons
17 Attorneys for Defendant
18 Northwest Airlines, Inc.

19 Date: October __, 2007

LAW OFFICES OF J. FRANK GEORGE, APC

20
21 By: _____

22 J. Frank George
23 Attorneys for Plaintiff
24 William R. Klemme, M.D.

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14
15 By: _____
16 Sara A. Simmons
17 Attorneys for Defendant
18 Northwest Airlines, Inc.


19 Date: October 4, 2007

LAW OFFICES OF J. FRANK GEORGE, APC

20 By:  _____
21 J. Frank George
22 Attorneys for Plaintiff
23 William R. Klemme, M.D.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED: The Court's July 25, 2007 Order of
2 Dismissal is hereby VACATED and Plaintiff is granted leave to file his "Amendment to Complaint"
3 for the sole purpose of adding Plaintiff's wife as a Plaintiff with a single cause of action for loss of
consortium, by October 12, 2007, whereupon the Court will reinstate the Order of Dismissal.

4 Dated: October 9, 2007


5 THE HONORABLE MAXINE M. CHESNEY
United States District Court Judge